HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO. 11011 of 1998

DATED: 25-04-2007

Between:-

P.Usha w/o Bheemsen Rao Kulkarni, aged 45 years, occ: Lecturer in English, R/o Narayanpet, Mahaboobnagar, District.

…PETITIONER

And

Government of A.P. Education Department represented by its Secretary, Secretariat, Hyderabad and two others.

..RESPONDENTS

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO. 11011 of 1998

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to compute the un-aided service of the petitioner from 1-08-1988 and extend her the benefit of fixation of pay, promotion under the Career Advancement Scheme and other benefits.

Facts, in brief, are that the petitioner was appointed as a Lecturer in the 3rd respondent college with effect from 1-08-1988. The Osmania University, vide proceedings dated 1-07-1993, approved her appointment with effect from 01-08-1988. The 3rd respondent college was admitted to grant-in-aid from 02-02-1991. In compliance with the requirement of G.O.Rt. No. 1482, Education (CE-I) Department, dated 07-08-1992, the petitioner was again considered for regular appointment and was appointed on a regular basis vide proceedings dated 08-01-1993. The petitioner submitted a representation on 15-10-1997 requesting that her services from 01-08-1988 be considered for payment of incremental benefits under the Career Advancement Scheme on completion of 8/16 years of service.

Taking into consideration the fact that the petitioner was appointed regularly on 08-01-1993 she was extended the benefit of the Career Advancement Scheme/Automatic Advancement Scheme, 8 years thereafter from 01-08-1993.

While the petitioner has sought computation of these 8 years of service from 01-08-1988, Sri B. Narasimha Sharma, learned counsel for the petitioner would, however, restrict the claim to computation of 8 years of service from 02-02-1991, the date on which the college was admitted to grant-in-aid. Learned counsel would contend that the only benefit which would accrue to the petitioner if this relief was granted, would be payment of arrears of increments under the Career Advancement/Automatic Advancement Scheme for the period from 02-02-1999 (completion of 8 years of service from 02-02-1991) till 08-01-2001 (completion of 8 years of service from 08-01-1993)

Learned Government Pleader for Higher Education would contend that, while G.O.Ms.No.169 dated 07-07-1990 was amended through G.O.Ms. No. 41, dated 12.02.1998, the amendment required the services rendered, after the college or the post was admitted to grant-in-aid, alone to be taken into account and not prior thereto. While accepting that the college was admitted to grant-in-aid on 02-02-1991, learned Government Pleader would place reliance on Act No. 26 of 2006 to contend that, in view of the subsequent legislation, the petitioner was not entitled to the relief sought for in this writ petition.

Since it is not in dispute that, by virtue of the amendment to G.O.Ms.No. 169, dated 07-07-1990, by way of G.O.Ms.No. 41, dated 12-02-1998, the service rendered by a lecturer, after the college or the post was admitted to aid, is required to be reckoned for the purpose of computation of the prescribed period of 8/16 years of service, and as it is not in dispute that the college was admitted to grant-in-aid on 02-02-1991, I see no reason to deny the petitioner the relief sought for in the writ petition. Sri B. Narasimha Sharma, learned counsel for the petitioner, would place before this Court a copy of the proposal sent by the 3rd respondent to the 2nd respondent on 07-11-2002. The respondents are, therefore, directed to consider the case of the petitioner for being extended the benefits under the Career Advancement/Automatic Advancement Scheme from the date the college was admitted to grant-in-aid on 02-02-1991 in accordance with the amendment made to G.O.Ms.No. 169 dated 07-07-1990 by way of G.O.Ms.No. 41, dated 12.2.1998. The proposal forwarded by the 3rd respondent college on 07-11-2002 shall also be examined by the 2nd respondent. Needless to state that the respondents shall, while considering extending this benefit to the petitioner, also examine the question whether Act No. 26 of 2006 has any bearing on the claim of the petitioner and whether it precludes grant of the relief sought for by her. The entire exercise in this regard shall be completed within a period of three months from the date of receipt of a copy of this order.

The writ petition is, accordingly, disposed of. No order as to costs.

RAMESH RANGANATHAN, J

Dated: 25-04-2007
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